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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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10 PHILIP MINOR,
11 Petitioner,
12 vs.
13 BRIAN WILLIAMS, *et al.*,
14 Respondents.

Case No. 2:15-cv-02005-RFB-PAL
ORDER

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16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
17 by a Nevada state prisoner.

18 On September 13, 2016, this Court appointed the Office of the Federal Public Defender to
19 represent petitioner in this habeas action. (ECF No. 3). The Federal Public Defender has identified a
20 conflict of interest with the petitioner, and has indicated to the Court its inability to represent petitioner.
21 (ECF No. 5). The Court's Criminal Justice Act (CJA) Coordinator has located alternate counsel, Gia
22 A. McGillivray, Esq., to represent petitioner in this action. McGillivray is a Criminal Justice Act panel
23 attorney for the United States District Court, District of Nevada. McGillivray shall represent petitioner
24 in all future proceedings in this court relating to this matter (including subsequent actions) and appeals
25 therefrom, pursuant to 18 U.S.C. § 3006A(2)(B), until allowed to withdraw. The Court now sets a
26 schedule for further proceedings in this action.

27 **IT IS THEREFORE ORDERED** that the Office of the Federal Public Defender is **HEREBY**
28 **RELEASED** as counsel for petitioner.

1 **IT IS FURTHER ORDERED** that Gia A. McGillivray, Esq., is **HEREBY APPOINTED** to
2 represent the petitioner in this action. McGillivray shall have **twenty (20) days** from the date of entry
3 of this order to **FILE AND SERVE** on respondents a notice of appearance indicating representation
4 of petitioner.

5 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
6 **SERVE** McGillivray with a copy of this order, together with a copy of the original petition for writ of
7 habeas corpus (ECF No. 4).

8 **IT IS FURTHER ORDERED** that counsel for petitioner shall meet with petitioner as soon as
9 reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b)
10 discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief
11 in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be
12 raised at this time in this action and that the failure to do so will likely result in any omitted grounds
13 being barred from future review.

14 **IT IS FURTHER ORDERED** that petitioner shall have **ninety (90) days** from the date of entry
15 of this order, to **FILE AND SERVE** on respondents an amended petition for writ of habeas corpus,
16 which shall include all known grounds for relief (both exhausted and unexhausted).

17 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** after service
18 of an amended petition within which to answer, or otherwise respond to, the amended petition. If
19 petitioner does not file an amended petition, respondents shall have **forty-five (45) days** from the date
20 on which the amended petition is due within which to answer, or otherwise respond to, petitioner's
21 original petition.

22 **IT IS FURTHER ORDERED** that if and when respondents file an answer, petitioner shall
23 have **forty-five (45) days** after service of the answer to file and serve a reply.

24 **IT IS FURTHER ORDERED** that all exhibits filed by the parties herein shall be filed with an
25 index of exhibits identifying the exhibits by number. Exhibits filed in the CM/ECF system must
26 correspond to the numbered exhibits identified in the index of exhibits. The Court discourages the
27 practice of filing duplicate exhibits.

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1 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy (paper) copies of all
2 exhibits to the **Reno** Division of this Court. Courtesy copies shall be mailed to the Clerk of Court, 400
3 S. Virginia St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the
4 mailing address label.

5 **IT IS FURTHER ORDERED** that petitioner shall file no further *pro se* documents and shall
6 proceed by and through appointed counsel.

7 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** a copy of this order to
8 the CJA Coordinator.

9 Dated this 8th day of February, 2017.
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12 RICHARD F. BOULWARE, II
13 UNITED STATES DISTRICT JUDGE
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